

Message Text

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ACTION ARA-14

INFO OCT-01 EUR-12 NEA-10 ISO-00 HA-05 CIAE-00 DODE-00
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FM AMEMBASSY BRASILIA
TO SECSTATE WASHDC 8164
INFO AMEMBASSY BONN
AMEMBASSY DAMASCUS
AMCONSUL JERUSALEM
AMCONSUL RIO DE JANEIRO
AMCONSUL SAO PAULO
AMEMBASSY TEL AVIV
AMEMBASSY VIENNA
AMEMBASSY WARSAW

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E.O. 11652: N/A
TAGS: SHUM, SREF, BR
SUBJECT: UPDATE OF CASE OF ACCUSED WAR CRIMINAL WAGNER

REF: BRASILIA 4638 AND PREVIOUS

1. ACCORDING TO PRESS REPORTS CONFIRMED TO EMBOFF BY
JUSTICE MINISTRY SECRETARY-GENERAL PAULO CABRAL ON JULY 4,
FRG HAS SUBMITTED A FORMAL REQUEST FOR EXTRADITION OF
ACCUSED NAZI WAR CRIMINAL GUSTAV FRANZ WAGNER, TOGETHER
WITH SUPPORTING DOCUMENTS ON HIS ALLEGED CRIMES AND WARRANT
OF ARREST ISSUED BY DUSSELDORF COURT. PRESS REPORTED THAT
FRG'S DOSSIER, WHICH CABRAL DESCRIBED AS "QUITE COMPLETE",
WAS SUBMITTED JULY 5 TO SUPREME FEDERAL TRIBUNAL (STF),
WHICH MUST DECIDE ON HIS EXTRADITION BEFORE END OF AUGUST
(90 DAYS FROM WAGNER'S INCARCERATION BY BRAZILIAN AUTHORITIES
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ON MAY 31).

2. DURING JULY 4 CONVERSATION, CABRAL REITERATED THAT
GOB EXTRADITION LAW GIVES CLEAR PREFERENCE IN THIS CASE
TO COUNTRY IN WHICH ALLEGED CRIMES WERE COMMITTED, BUT
HE DID NOT ELABORATE WHETHER THIS MEANT POLAND, WHERE
THE SOBIBOR CONCENTRATION CAMP WAS LOCATED, OR GERMANY,

UNDER WHOSE WARTIME ADMINISTRATION THE CRIMES TOOK PLACE.
HE ALSO INTIMATED STRONGLY THAT AS FAR AS JUSTICE MINISTRY
WAS CONCERNED, CASE WAS NEARLY WRAPPED UP. STILL,
CORREIO BRAZILIENSE (JULY 6) REPORTED THAT GOB HAS
YET TO TAKE ACTION ON SEVERAL HABEAS CORPUS PETITIONS
ON WAGNER'S BEHALF.

3. WAGNER REPORTEDLY MADE A SECOND SUICIDE ATTEMPT ON
JUNE 22 BY REPEATEDLY THROWING HIMSELF AGAINST THE
BARS OF HIS CELL AT THE DEPARTMENT OF FEDERAL POLICE (DPF)
IN BRASILIA, CAUSING HEAD INJURIES DESCRIBED BY DPF
OFFICIALS AS "NOT SERIOUS". NEVERTHELESS, DPF
SPOKESMEN HAVE STATED SEVERAL TIMES SINCE THE INCIDENT
THAT WAGNER HAS BEEN RECEIVING CONSTANT MEDICAL AND
PSYCHIATRIC ATTENTION, AND HIS ALLEGEDLY "HIGH STATE
OF EMOTIONAL TENSION" HAS RESULTED IN DPF'S REFUSAL TO
ALLOW PRESS INTERVIEWS WITH HIM. ON JUNE 23 FRG
MINISTER-COUNSELOR LEWALTER EXPRESSED TO EMBOFF HIS
CONCERN FOR WAGNER'S PHYSICAL WELL-BEING, STATING THAT
DESPITE HIS GOVERNMENT'S INTEREST IN WAGNER, HE HAD NO
OFFICIAL AUTHORITY FROM GOB TO MAKE INQUIRIES INTO WAGNER'S
SITUATION AT THE DPF PRISON. LEWALTER ALSO TERMED
WAGNER'S DISCOVERY AND APPREHENSION IN BRAZIL A MAJOR
EVENT, SINCE FRG'S "WAR CRIMES" LAW EXPIRES IN 1979
AND ALL ACCUSED WAR CRIMINALS STILL EXTANT MUST BE
BROUGHT TO TRIAL BY THAT TIME.
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